

AN ORDINANCE 101411

**AMENDING THE LAND USE ASSUMPTIONS PLAN AND THE  
WATER SUPPLY CAPITAL IMPROVEMENTS PLAN; AND  
MODIFYING THE SAN ANTONIO WATER SYSTEM WATER  
SUPPLY IMPACT FEE.**

\* \* \* \* \*

**WHEREAS**, an impact fee is a one-time charge imposed on new development to help recover capital costs associated with providing the infrastructure and other required improvements to supply service to that new development and operates as a mechanism to have new development pay its equitable portion of required capital costs related to infrastructure and facilities; and

**WHEREAS**, Chapter 395 of the Texas Local Government Code establishes the requirements and the process that must be followed if a municipality is to assess and collect impact fees; and

**WHEREAS**, pursuant to Chapter 395 of the Local Government Code, a Capital Improvements Advisory Committee ("CIAC") was created to advise City Council on the development and implementation of impact fees; and

**WHEREAS**, Chapter 395 of the Texas Local Government Code does not allow impact fees to be adopted or used for capital improvements or facility expansions that are not identified in the Water Supply Capital Improvements Plan ("CIP") and the current water supply impact fee of \$352, which was established and adopted on May 3, 2001, was calculated to recover the costs for capital improvements identified in the current CIP; and

**WHEREAS**, it is anticipated that the San Antonio Water System ("SAWS") will collect the total projected capital improvement costs identified in the current CIP by October 2005 and unless updates and additional water supply capital improvements projects are identified in the CIP, SAWS will be unable to continue to collect the water supply impact fee once the total projected capital improvements costs in the current CIP have been recovered; and

**WHEREAS**, SAWS, in conjunction with the development community and City and state agencies, has developed the 2005 - 2015 Land Use Assumptions Plan ("LUAP") and CIP (collectively the "Plans") to project future water supply demand and identify capital improvements needed to meet the projected demand; and

**WHEREAS**, SAWS has identified the Western Canyon Project (the "Project") in the 2005-2015 CIP as a necessary project to serve new growth and impact fees must be collected to fund the Project; and

**WHEREAS**, the CIAC, the SAWS Board of Trustees and the Planning Commission have approved the updated Plans and a water supply impact fee of \$852 per equivalent dwelling unit (EDU) to fund eligible costs associated with this Project and recommend that they be adopted by the City Council; and

**WHEREAS**, the Public Hearing requirements found in Chapter 395 of the Texas Local Government Code to discuss and review the updates to the Plans and to consider whether to amend the Plans and modify the water supply impact fee were met on September 15, 2005; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The amendments to the Land Use Assumptions Plan are authorized and approved. A copy of the amended LUAP is attached to this Ordinance as Exhibit I.

**SECTION 2.** The amendments to the Water Supply Capital Improvements Plan are authorized and approved. A copy of the amended CIP is attached to this Ordinance as Exhibit II.

**SECTION 3.** The modified water supply impact fee approved and recommended by the CIAC, the SAWS Board of Trustees and the Planning Commission in the amount of \$852 per EDU is authorized and approved.

**SECTION 4.** SAWS shall ensure that all funds collected through the adoption of an impact fee that are collected in anticipation of funding projects shown in the capital improvements plan shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted. Interest earned on impact fees that are held in anticipation of funding such projects is considered funds of the account on which it is earned and is subject to all restrictions placed on the use of impact fees under Chapter 395 of the Local Government Code. Impact fees collected in anticipation of funding projects identified in the CIP may be spent only for the purposes for which the impact fee was imposed as shown by the CIP and as authorized by the Chapter 395. Impact fees that are collected as a recoupment of costs already incurred by SAWS in constructing projects identified in the CIP may be deposited in whichever fund, or funds, which were borrowed from to construct such projects, and used for whatever purpose that fund, or those funds, allow(s). The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

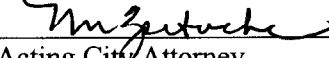
**SECTION 5.** Three (3) copies of the amended LUAP, the amended CIP and this Ordinance are on file with the City Clerk of the City of San Antonio.

**SECTION 6.** This Ordinance shall be effective on and after the tenth day after passage.

**PASSED AND APPROVED,** this 22<sup>nd</sup> day of September, 2005.

ATTEST:   
City Clerk

  
M A Y O R  
PHIL HARDBERGER

APPROVED AS TO FORM:   
for Acting City Attorney

# Agenda Voting Results

**Name:** 3.

**Date:** 09/22/05

**Time:** 10:10:21 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance approving an update to the Land Use Assumptions Plan and the Water Supply Capital Improvements Plan (the "Plans"), amendments to the Plans, and modifications to the San Antonio Water System water supply impact fee. [Presented by Ben Gorzell, Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		